

COMMITTEE ON TRANSPORTATION

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1041

(Reference to Senate engrossed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 28-601, Arizona Revised Statutes, is amended to read:

28-601. Definitions

In this chapter, unless the context otherwise requires:

1. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle either:

(a) Has a gross combined weight rating of twenty-six thousand one or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds.

(b) Has a gross vehicle weight rating of twenty-six thousand one or more pounds.

(c) Is a school bus.

(d) Is a bus.

(e) Is used in the transportation of materials found to be hazardous for the purposes of the hazardous materials transportation act (49 United States Code sections 5101 through 5127) and is required to be placarded under 49 Code of Federal Regulations section 172.504, as adopted by the department pursuant to chapter 14 of this title.

2. "Controlled access highway" means a highway, street or roadway to or from which owners or occupants of abutting lands and other persons have no legal right of access except at such points only and in the manner determined by the public authority that has jurisdiction over the highway, street or roadway.

3. "Crosswalk" means:

(a) That part of a roadway at an intersection included within the prolongations or connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in absence of curbs, from the edges of the traversable roadway.

1 (b) Any portion of a roadway at an intersection or elsewhere that is
2 distinctly indicated for pedestrian crossing by lines or other markings on
3 the surface.

4 4. "Escort vehicle" means a vehicle that is required pursuant to rules
5 adopted by the department to escort motor vehicles or combinations of
6 vehicles that require issuance of a permit pursuant to article 18 or 19 of
7 this chapter for operation on the highways of this state.

8 5. "Explosives" means any chemical compound, mixture or device that is
9 commonly used or intended for the purpose of producing an explosion and that
10 is defined in 49 Code of Federal Regulations part 173.

11 6. "Flammable liquid" means any liquid that has a flash point of less
12 than one hundred degrees Fahrenheit and that is defined in 49 Code of Federal
13 Regulations section 173.120.

14 7. "Gross weight" means the weight of a vehicle without a load plus
15 the weight of any load on the vehicle.

16 8. "Intersection" means the area embraced within the prolongation or
17 connection of the lateral curb lines, or if none, the lateral boundary lines
18 of the roadways of two highways that join one another at, or approximately
19 at, right angles, or the area within which vehicles traveling on different
20 highways joining at any other angle may come in conflict. If a highway
21 includes two roadways thirty or more feet apart, each crossing of each
22 roadway of the divided highway by an intersecting highway is a separate
23 intersection. If the intersecting highway also includes two roadways thirty
24 or more feet apart, each crossing of two roadways of the highways is a
25 separate intersection.

26 9. "License" means any license, temporary instruction permit or
27 temporary license issued under the laws of this state or any other state that
28 pertain to the licensing of persons to operate motor vehicles.

29 10. "LOW EMISSION AND ENERGY EFFICIENT VEHICLE" MEANS A VEHICLE THAT
30 HAS BEEN CERTIFIED BY THE EPA ADMINISTRATOR IN ACCORDANCE WITH 23 UNITED
31 STATES CODE SECTION 166 OR IS PART OF A FEDERALLY APPROVED PILOT PROGRAM.

32 ~~10.~~ 11. "Motorized wheelchair" means any self-propelled wheelchair
33 that is used by a person for mobility.

34 ~~11.~~ 12. "Official traffic control device" means any sign, signal,
35 marking or device that is not inconsistent with this chapter and that is

1 placed or erected by authority of a public body or official having
2 jurisdiction for the purpose of regulating, warning or guiding traffic.

3 ~~12.—~~ 13. "Park", if prohibited, means the standing of a vehicle,
4 whether occupied or not, otherwise than temporarily for the purpose of and
5 while actually engaged in loading or unloading.

6 ~~13.—~~ 14. "Photo enforcement system" means a device substantially
7 consisting of a radar unit or sensor linked to a camera or other recording
8 device that produces one or more photographs, microphotographs, videotapes or
9 digital or other recorded images of a vehicle's license plate for the purpose
10 of identifying violators of articles 3 and 6 of this chapter.

11 ~~14.—~~ 15. "Pneumatic tire" means a tire in which compressed air is
12 designed to support the load.

13 ~~15.—~~ 16. "Pole trailer" means a vehicle that is all of the following:

14 (a) Without motive power.

15 (b) Designed to be drawn by another vehicle and attached to the towing
16 vehicle by means of a reach or pole or by being boomed or otherwise secured
17 to the towing vehicle.

18 (c) Used ordinarily for transporting long or irregularly shaped loads
19 such as poles, pipes or structural members capable generally of sustaining
20 themselves as beams between the supporting connections.

21 ~~16.—~~ 17. "Police officer" means an officer authorized to direct or
22 regulate traffic or make arrests for violations of traffic rules or other
23 offenses.

24 ~~17.—~~ 18. "Private road or driveway" means a way or place that is in
25 private ownership and that is used for vehicular travel by the owner and
26 those persons who have express or implied permission from the owner but not
27 by other persons.

28 ~~18.—~~ 19. "Railroad" means a carrier of persons or property on cars
29 operated on stationary rails.

30 ~~19.—~~ 20. "Railroad sign or signal" means a sign, signal or device
31 erected by authority of a public body or official or by a railroad and
32 intended to give notice of the presence of railroad tracks or the approach of
33 a railroad train.

1 ~~20.~~ 21. "Railroad train" means a steam engine or any electric or other
2 motor that is with or without cars coupled to the steam engine or electric or
3 other motor and that is operated on rails.

4 ~~21.~~ 22. "Roadway" means that portion of a highway that is improved,
5 designed or ordinarily used for vehicular travel, exclusive of the berm or
6 shoulder. If a highway includes two or more separate roadways, roadway refers
7 to any such roadway separately but not to all such roadways collectively.

8 ~~22.~~ 23. "Safety zone" means the area or space that is both:

9 (a) Officially set apart within a roadway for the exclusive use of
10 pedestrians.

11 (b) Protected or either marked or indicated by adequate signs as to be
12 plainly visible at all times while set apart as a safety zone.

13 ~~23.~~ 24. "Sidewalk" means that portion of a street that is between the
14 curb lines or the lateral lines of a roadway and the adjacent property lines
15 and that is intended for the use of pedestrians.

16 ~~24.~~ 25. "Solid tire" means a tire that both:

17 (a) Is made of rubber or other resilient material.

18 (b) Does not depend on compressed air for the support of the load.

19 ~~25.~~ 26. "Stop", if required, means complete cessation from movement.

20 ~~26.~~ 27. "Stop, stopping or standing", if prohibited, means any
21 stopping or standing of an occupied or unoccupied vehicle, except when
22 necessary to avoid conflict with other traffic or in compliance with
23 directions of a police officer or traffic control sign or signal.

24 ~~27.~~ 28. "Through highway" means a highway or portion of a highway at
25 the entrances to which vehicular traffic from intersecting highways is
26 required by law to stop before entering or crossing and when stop signs are
27 erected as provided in this chapter.

28 ~~28.~~ 29. "Traffic" means pedestrians, ridden or herded animals,
29 vehicles and other conveyances either singly or together while using a
30 highway for purposes of travel.

31 ~~29.~~ 30. "Traffic control signal" means a device, whether manually,
32 electrically or mechanically operated, by which traffic is alternately
33 directed to stop and to proceed.

34 ~~30.~~ 31. "Truck" means a motor vehicle that is designed, used or
35 maintained primarily for the transportation of property.

1 Sec. 2. Section 28-641, Arizona Revised Statutes, is amended to read:

2 28-641. Traffic control device manual and specifications

3 The director shall adopt a manual and specifications for a uniform
4 system of traffic control devices for use on highways in this state. ~~Except~~
5 ~~as provided in section 28-2416,~~ The uniform system shall correlate with and
6 as far as possible conform to the system set forth in the most recent edition
7 of the manual on uniform traffic control devices for streets and highways
8 prepared by the national joint committee on uniform traffic control devices.

9 Sec. 3. Section 28-642, Arizona Revised Statutes, is amended to read:

10 28-642. Traffic control signs on state highways; rules

11 A. The director shall place and maintain traffic control devices that
12 conform to the manual and specifications prescribed in section 28-641 ~~and to~~
13 ~~the requirements prescribed in section 28-2416~~ on all state highways as the
14 director deems necessary to indicate and to carry out this chapter or to
15 regulate, warn or guide traffic.

16 B. A local authority shall not place or maintain a traffic control
17 device on a highway under the jurisdiction of the director except by the
18 director's permission.

19 C. In cooperation with local authorities, the director shall
20 synchronize traffic control signals on a state highway that has a traffic
21 flow exceeding fifteen thousand motor vehicles per day in a vehicle emissions
22 control area as defined in section 49-541.

23 D. The director shall adopt rules pursuant to title 41, chapter 6 to
24 establish criteria for the installation and maintenance of directional signs
25 for universities prescribed in section 15-1601, for community colleges as
26 defined in section 15-1401 and for the campus of a regionally accredited
27 college or university.

28 Sec. 4. Section 28-737, Arizona Revised Statutes, is amended to read:

29 28-737. High occupancy vehicle lanes; civil penalty;
30 definitions

31 A. Except as provided in section 28-2416 and subsections B, C, D and
32 E of this section, a person shall not drive a vehicle carrying fewer than
33 two persons, including the driver, in a high occupancy vehicle lane at any
34 time the use of the high occupancy vehicle lane is restricted to vehicles
35 carrying two or more persons, including the driver.

1 B. If the department receives approval from the federal government
2 allowing the use of high occupancy vehicle lanes by ~~hybrid vehicles, a person~~
3 ~~may drive a hybrid vehicle with alternative fuel vehicle special plates, or~~
4 ~~an alternative fuel vehicle sticker, and a hybrid vehicle sticker issued~~ LOW
5 EMISSION ENERGY EFFICIENT VEHICLES ACHIEVING NOT LESS THAN A FIFTY PER CENT
6 INCREASE IN CITY FUEL ECONOMY OR NOT LESS THAN TWENTY-FIVE PER CENT INCREASE
7 IN COMBINED CITY-HIGHWAY FUEL ECONOMY IN ACCORDANCE WITH 23 UNITED STATES
8 CODE SECTION 166, A PERSON MAY DRIVE A LOW EMISSION ENERGY EFFICIENT VEHICLE
9 WITH LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATES ISSUED pursuant
10 to section 28-2416 in high occupancy vehicle lanes at any time, regardless of
11 occupancy level, without penalty.

12 C. During the performance of a tow truck operator's duties, a tow
13 truck operator may drive a tow truck in a high occupancy vehicle lane,
14 regardless of occupancy level, without penalty.

15 D. A person may drive a motorcycle in a high occupancy vehicle lane at
16 any time regardless of the number of passengers, without penalty.

17 E. A person may drive a public transportation vehicle in a high
18 occupancy vehicle lane at any time regardless of the number of passengers,
19 without penalty.

20 F. A person who violates subsection A of this section is subject to a
21 civil penalty of two hundred dollars.

22 G. Notwithstanding section 28-1554, one hundred dollars of each civil
23 penalty collected pursuant to subsection F of this section shall be deposited
24 in the state general fund.

25 H. For the purposes of this section:—
26 1. ~~"Hybrid vehicle" means a factory-manufactured vehicle that~~
27 ~~satisfies all of the following:~~
28 (a) ~~Combines two or more power train technologies to produce a vehicle~~
29 ~~with significantly lower fuel consumption than the average of its class.~~
30 (b) ~~Exhibits the storage of kinetic energy by use of regenerative~~
31 ~~braking and batteries or capacitors, and the stored energy is used to assist~~
32 ~~or provide full acceleration of the vehicle.~~
33 (c) ~~Allows a portion of the energy to be supplied from an internal~~
34 ~~combustion engine or fuel cell for vehicle acceleration and to store~~
35 ~~electrical energy on board.~~

~~(c) Has been approved by the United States environmental protection agency as meeting, at a minimum, the United States environmental protection agency ultralow emission vehicle standard pursuant to 40 Code of Federal Regulations section 88.104-94.~~

7 ~~2.~~ "public transportation vehicle" means any vehicle that provides a
8 public entity's public transportation service and either:

9 (a) Is owned or operated by the public entity.

1 Sec. 5. Title 28, chapter 3, article 7, Arizona Revised Statutes, is
2 amended by adding section 28-738, to read:

28-738. High occupancy vehicle lane; lane degradation; priority
usage

5 A. IN ACCORDANCE WITH 23 UNITED STATES CODE SECTION 166, THE
6 DEPARTMENT SHALL DEVELOP PROCEDURES TO MONITOR THE IMPACTS THAT SINGLE
7 OCCUPANCY VEHICLES AUTHORIZED UNDER SECTIONS 28-2416 AND 28-2416.01 HAVE ON
8 THE OPERATION OF THE HIGH OCCUPANCY VEHICLE LANE.

9 B. SHOULD THE LANES BECOME DEGRADED DUE TO THE AUTHORIZATION OF SINGLE
10 OCCUPANCY VEHICLES AUTHORIZED UNDER SECTIONS 28-2416 AND 28-2416.01, USAGE OF
11 THE LANE IS RESTRICTED TO THE FOLLOWING VEHICLES IN THE FOLLOWING PRIORITY:

2 1. PASSENGER VEHICLES WITH TWO OR MORE OCCUPANTS, INCLUDING THE
3 DRIVER.

2. PUBLIC TRANSIT BUSES.

5 3. BUSES WITH TWO OR MORE OCCUPANTS, INCLUDING THE DRIVER.

4. MOTORCYCLES.

7 5. ALTERNATIVE FUEL VEHICLES THAT ARE INCAPABLE OF OPERATING ON ANY
8 OTHER TYPE OF FUEL.

6. LOW EMISSION AND ENERGY EFFICIENT VEHICLES

0 7. ALTERNATIVE FUEL VEHICLES THAT ARE CAPABLE OF OPERATING ON ANY
1 OTHER TYPE OF FUEL.

2 C. THE DEPARTMENT SHALL LIMIT USAGE TO VEHICLES IN THE PRIORITY ORDER
3 PRESCRIBED IN SUBSECTION B OF THIS SECTION, AND SHALL MAINTAIN SUCH
4 RESTRICTIONS AS LONG AS THE LANE OR PORTION OF THE LANE REMAINS DEGRADED.

1 D. FOR THE PURPOSE OF THIS SECTION, A HIGH OCCUPANCY VEHICLE LANE
2 SHALL BE CONSIDERED DEGRADED IF VEHICLES OPERATING ON THE FACILITY, OR
3 PORTIONS OF THE FACILITY, ARE FAILING TO MAINTAIN A SPEED OF FORTY-FIVE MILES
4 PER HOUR OR GREATER NINETY PER CENT OF THE TIME OVER A CONSECUTIVE ONE
5 HUNDRED EIGHTY DAY PERIOD DURING MORNING AND EVENING WEEKDAY PEAK HOUR
6 PERIODS.

7 Sec. 6. Section 28-2416, Arizona Revised Statutes, is amended to read:

8 28-2416. Alternative fuel vehicle special plates; stickers; use
9 of high occupancy vehicle lanes; definitions

10 A. ~~Beginning on April 1, 1997,~~ A person who owns a motor vehicle that
11 has either been converted or manufactured to use an alternative fuel AS THE
12 VEHICLE'S EXCLUSIVE FUEL SOURCE AND IS INCAPABLE OF OPERATING ON ANY OTHER
13 TYPE OF FUEL and the alternative fuel was subject to the use fuel tax imposed
14 pursuant to chapter 16 of this title before April 1, 1997 shall apply for
15 alternative fuel vehicle special plates pursuant to this section.

16 ~~B. A person who owns a motor vehicle that is a hybrid vehicle may~~
17 ~~apply for alternative fuel vehicle special plates pursuant to this~~
18 ~~section. The department shall issue alternative fuel vehicle special plates,~~
19 ~~or an alternative fuel vehicle sticker as provided in subsection E of this~~
20 ~~section, and a hybrid vehicle sticker to a person who satisfies the~~
21 ~~requirements prescribed in subsection C of this section. The hybrid vehicle~~
22 ~~sticker shall be designed by the department and shall be placed on the motor~~
23 ~~vehicle as prescribed by the department.~~

24 ~~C.~~ B. The department shall issue alternative fuel vehicle special
25 plates, or an alternative fuel vehicle sticker as provided in subsection ~~E~~ D
26 of this section, to a person who satisfies all of the following:

27 1. Owns a motor vehicle that is EXCLUSIVELY powered by an alternative
28 fuel ~~or that is a hybrid vehicle~~ AND IS INCAPABLE OF OPERATING ON ANY OTHER
29 TYPE OF FUEL.

30 2. Provides proof as follows:

31 (a) For an original equipment manufactured alternative fuel vehicle or
32 hybrid vehicle, the dealer who sells the motor vehicle shall provide to the
33 department of transportation and the owner of the motor vehicle a certificate
34 indicating:

1 (i) That the motor vehicle is EXCLUSIVELY powered by an alternative
2 fuel ~~or is a hybrid vehicle~~ AND IS INCAPABLE OF OPERATING ON ANY OTHER TYPE
3 OF FUEL.

4 (ii) The emission classification of the motor vehicle as low,
5 inherently low, ultralow or zero.

6 (b) For a converted motor vehicle or a motor vehicle that is assembled
7 by the owner, the department of environmental quality or an agent of the
8 department of environmental quality shall provide a certificate to the
9 department of transportation and the owner of the motor vehicle indicating
10 that the motor vehicle is EXCLUSIVELY powered by an alternative fuel ~~or is a~~
11 ~~hybrid vehicle~~ AND IS INCAPABLE OF OPERATING ON ANY OTHER TYPE OF FUEL.

12 3. Pays an eight dollar special plate administrative fee, except that
13 vehicles that are registered pursuant to section 28-2511 are exempt from that
14 fee. The department shall deposit, pursuant to sections 35-146 and 35-147,
15 all special plate administrative fees in the state highway fund established
16 by section 28-6991.

17 ~~D.~~ C. The color and design of the alternative fuel vehicle special
18 plates are subject to the approval of the department of commerce energy
19 office. The director may allow a request for alternative fuel vehicle
20 special plates to be combined with a request for personalized special plates.

21 If the director allows such a combination, the request shall be in a form
22 prescribed by the director and is subject to the fees for the personalized
23 special plates in addition to the fees required for alternative fuel vehicle
24 special plates. Alternative fuel vehicle special plates are not
25 transferable, except that if the director allows alternative fuel vehicle
26 special plates to be personalized a person who is issued personalized
27 alternative fuel vehicle special plates may transfer those plates to another
28 alternative fuel vehicle for which the person is the registered owner or
29 lessee.

30 ~~E.~~ D. If a motor vehicle qualifies pursuant to this section and any
31 other special plates are issued pursuant to article 7, 8 or 13 of this
32 chapter or section 28-2514 for the motor vehicle, the department may issue an
33 alternative fuel vehicle sticker to the person who owns the motor
34 vehicle. The alternative fuel vehicle sticker shall be diamond-shaped, shall

1 indicate the type of alternative fuel used by the vehicle and shall be placed
2 on the motor vehicle as prescribed by the department.

3 ~~F.~~ E. Except as provided in section ~~28-737, subsection B~~ 28-738, a
4 person may drive a motor vehicle with alternative fuel vehicle special plates
5 or an alternative fuel vehicle sticker in high occupancy vehicle lanes at any
6 time, regardless of occupancy level, without penalty.

7 ~~G.~~ F. A person shall not drive a motor vehicle in a high occupancy
8 vehicle lane with an alternative fuel vehicle sticker if the motor vehicle is
9 not an alternative fuel vehicle ~~or a hybrid vehicle~~ for which an alternative
10 fuel vehicle sticker ~~and a hybrid vehicle sticker have~~ HAS been issued
11 pursuant to this section. A person who violates this subsection is subject
12 to a civil penalty of three hundred fifty dollars. Notwithstanding section
13 28-1554, the civil penalty collected pursuant to this subsection shall be
14 deposited in the state general fund.

15 ~~H. The department shall mark high occupancy vehicle lane signs to~~
16 ~~indicate that those lanes may be used by alternative fuel vehicles regardless~~
17 ~~of the number of occupants. The design of the sign shall be the same as the~~
18 ~~design of the alternative fuel vehicle special plate, and the sign shall be~~
19 ~~at least as large as the high occupancy vehicle lane sign. These high~~
20 ~~occupancy vehicle lane signs are official traffic control devices. On~~
21 ~~highway exit signs the department shall also indicate access to alternative~~
22 ~~fuel vehicle fueling stations that are open to the public.~~

23 G. FOR THE PURPOSES OF SECTION 28-738, THE DEPARTMENT SHALL:

24 1. LIMIT OR SUSPEND THE ISSUANCE OF ALTERNATIVE FUEL VEHICLE SPECIAL
25 PLATES.

26 2. REMOVE THE PRIVILEGE OF OPERATING IN THE HIGH OCCUPANCY VEHICLE
27 LANE WITH A SINGLE OCCUPANT, INCLUDING THE DRIVER.

28 ~~I.~~ H. If the department publishes maps of the state highway system
29 that are distributed to the general public, the department shall indicate on
30 those maps the approximate location of alternative fuel delivery facilities
31 that are open to the public.

32 ~~J.~~ I. For the purposes of this section:

33 ~~1.~~ "alternative fuel" has the same meaning prescribed in
34 section 1-215.

35 ~~2.~~ "Hybrid vehicle" has the same meaning prescribed in section 28-737.

1 Sec. 7. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
2 amended by adding section 28-2416.01, to read:

3 28-2416.01 Low emission and energy efficient special vehicle
4 plates; use of high occupancy vehicle lanes

5 A. EXCEPT AS PROVIDED IN SECTION 28-738 AND IF THE DEPARTMENT RECEIVES
6 APPROVAL FROM THE FEDERAL GOVERNMENT ALLOWING THE USE OF HIGH OCCUPANCY
7 VEHICLE LANES BY LOW EMISSION AND ENERGY EFFICIENT VEHICLES AS DEFINED IN
8 SECTION 28-601, A PERSON WHO OWNS A MOTOR VEHICLE THAT IS A LOW EMISSION AND
9 ENERGY EFFICIENT VEHICLE MAY APPLY FOR A LOW EMISSION AND ENERGY EFFICIENT
10 VEHICLE PLATE PURSUANT TO THIS SECTION. THE LOW EMISSION AND ENERGY
11 EFFICIENT VEHICLE PLATE SHALL BE DESIGNED BY THE DIRECTOR.

12 B. A PERSON WHO APPLIES FOR A LOW EMISSION AND ENERGY EFFICIENT
13 VEHICLE PLATE SHALL PAY AN EIGHT DOLLAR PLATE ADMINISTRATIVE FEE, EXCEPT THAT
14 VEHICLES THAT ARE REGISTERED PURSUANT TO SECTION 28-2511 ARE EXEMPT FROM THAT
15 FEE. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,
16 ALL PLATE ADMINISTRATIVE FEES IN THE STATE HIGHWAY FUND ESTABLISHED BY
17 SECTION 28-6991.

18 C. THE DIRECTOR MAY ALLOW A REQUEST FOR A LOW EMISSION AND ENERGY
19 EFFICIENT VEHICLE PLATE TO BE COMBINED WITH A REQUEST FOR PERSONALIZED
20 SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL
21 BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE
22 PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR LOW EMISSION
23 AND ENERGY EFFICIENT VEHICLE PLATES. LOW EMISSION AND ENERGY EFFICIENT
24 VEHICLE PLATES ARE NOT TRANSFERABLE, EXCEPT THAT IF THE DIRECTOR ALLOWS LOW
25 EMISSION AND ENERGY EFFICIENT VEHICLE PLATES TO BE PERSONALIZED A PERSON WHO
26 IS ISSUED PERSONALIZED LOW EMISSION AND ENERGY EFFICIENT VEHICLE PLATES MAY
27 TRANSFER THOSE PLATES TO ANOTHER LOW EMISSION AND ENERGY EFFICIENT VEHICLE
28 FOR WHICH THE PERSON IS THE REGISTERED OWNER OR LESSEE.

29 D. EXCEPT AS PROVIDED IN SECTION 28-738, A PERSON MAY DRIVE A MOTOR
30 VEHICLE WITH A LOW EMISSION AND ENERGY EFFICIENT VEHICLE PLATE IN HIGH
31 OCCUPANCY VEHICLE LANES AT ANY TIME, REGARDLESS OF OCCUPANCY LEVEL, WITHOUT
32 PENALTY.

33 E. FOR THE PURPOSES OF SECTION 28-738, THE DEPARTMENT SHALL:

34 1. LIMIT OR SUSPEND THE ISSUANCE OF LOW EMISSION ENERGY EFFICIENT
35 VEHICLE PLATES.

1 2. REMOVE THE PRIVILEGE OF OPERATING IN THE HIGH OCCUPANCY VEHICLE
2 LANE WITH A SINGLE OCCUPANT, INCLUDING THE DRIVER.

3 F. A PERSON SHALL NOT DRIVE A MOTOR VEHICLE IN A HIGH OCCUPANCY
4 VEHICLE LANE WITH A LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE
5 IF THE MOTOR VEHICLE IS NOT A LOW EMISSION ENERGY EFFICIENT VEHICLE FOR WHICH
6 A LOW EMISSION AND ENERGY EFFICIENT VEHICLE SPECIAL PLATE HAS BEEN ISSUED
7 PURSUANT TO THIS SECTION. A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT
8 TO A CIVIL PENALTY OF THREE HUNDRED FIFTY DOLLARS. NOTWITHSTANDING SECTION
9 28-1554, THE CIVIL PENALTY COLLECTED PURSUANT TO THIS SUBSECTION SHALL BE
10 DEPOSITED IN THE STATE GENERAL FUND."

11 Amend title to conform

and, as so amended, it do pass

ANDY BIGGS
Chairman

1041-se-trans
4/10/08
H:jmb